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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/886,726

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Jeffrey R. Angel

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03/04/2005

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EXAMINER

NGUYEN, TAI T

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

CT

Office Action Summary	Application No. 09/886,726	Applicant(s) ANGEL, JEFFREY R.	
	Examiner Tai T. Nguyen	Art Unit 2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2001.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-18 and 20-25 is/are rejected.
 7) ☒ Claim(s) 19 and 26 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 21 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06/21/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because all numeric blocks need to be labeled with descriptive legends according to 37CFR 1.84(o). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: page 3, line 29, "a chip 126" should read as ----a chip 12b----.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 5-6, 8-9, 11-18, and 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoffman (US 4,532,501).

Regarding claim 1, Hoffman discloses an apparatus (figure 1) for at least partially controlling operation of at least one machine (19) comprising:

means (21) for sensing a predetermined proximity of at least one chip (20) associated with at least one individual with respect to each machine to be monitored (col. 4, line 51 through col. 5, line 61); and

means (23) for disengaging each corresponding machine in response to proximity being sensed by the sensing means (col. 5, line 62 through col. 6, line 44).

Regarding claim 2, Hoffman discloses the apparatus further means for restarting each machine after the particular machine has been disengaged if the at least

one chip is no longer within the predetermined proximity with respect to the particular machine (col. 6, lines 44-53).

Regarding claims 5-6 and 9, as mentioned on claim 1 above, Hoffman discloses at least one sensor operably associated with respect to machine to be at least partially controlled for sensing a predetermined proximity of at least one chip with respect to the at least one sensor, the at least one sensor operable to emit a chip-present output signal corresponding to the sensed predetermined proximity of at least one chip (col. 4, line 51 through col. 5, line 61) and the at least one chip emits a chip-present signal receivable by the at least one sensor, the signal emitted over a distance substantially equal to the predetermined proximity (col. 5, line 62 through col. 6, line 44).

Regarding claim 8, Hoffman discloses the at least one chip being incorporated in an article of clothing (col. 5, lines 7-9).

Regarding claim 11, as mentioned in claim 1 above, Hoffman discloses the central processing unit (23) for receiving a chip-present output signal from the sensing means and for controlling a predetermined function of an associated machine in response to the chip-present signal (col. 5, line 62 through col. 6, line 44).

Regarding claim 12, Hoffman discloses the disengaging means further comprises a microcomputer (460) operating in accordance with a program stored in memory (468, figure 12, col. 22, lines 46-58).

Regarding claim 13, refer to claim 1 above.

Regarding claims 14-15, refer to claims 5-6 and 9 above.

Regarding claims 16 and 24, the claimed method steps would have been inherent in the product structure as stated in claim 1.

Regarding claim 17, the claimed method steps would have been inherent in the product structure as stated in claim 2.

Regarding claim 18, the claimed method steps would have been inherent in the product structure as stated in claim 5.

Regarding claim 25, the claimed method steps would have been inherent in the product structure as stated in claim 6.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-4 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman (US 4,532,501) in view of Hasegawa (JP 405269816A).

Regarding claims 3-4, Hoffman discloses the instant claimed invention except for means for communicating a disengagement of machine to a location remote with respect to the machine and means for collecting information with respect to a frequency of engagements of each machine. Hasegawa teaches a controlling method for molding machine including a means (14) for communicating a disengagement of machine to a location remote with respect to the machine and means (16) for collecting information

with respect to a frequency of engagements of each machine (abstract). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the communicating means and collecting means as taught by Hasegawa in the system as disclosed by Hoffman, as modified, for the purpose of monitoring the machine operation.

Regarding claims 20-23, the claimed method steps would have been inherent in the product structure as stated in claims 3-4.

7. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman (US 4,532,501) in view of Stratiotis (US 5,666,010).

Regarding claims 7 and 10, Hoffman disclose the instant claimed invention except for the at least one chip being emitted encoded unique identification signal and the at least one sensor being detected and distinguished between a plurality of different unique identification codes associated with different chips. Stratiotis teaches a safety system for machine tool including a plurality of chips (40, 41, 42) associated with each of a workman that is operable to emit an encoded unique identification signal and the at least one sensor (54) being detected and distinguished between a plurality of different unique identification codes associated with different chips (figure 1C, col. 5, lines 11-20). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the plurality of chips, each associated with an unique identification code as taught by emitted encoded unique identification signal and the at least one sensor being detected and distinguished between a plurality of different

unique identification codes associated with different chips in the system as disclosed by Hoffman, as modified, for the purpose of tracking the movement of each workman that causes the machine shuts off.

Allowable Subject Matter

8. Claims 19 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ferrer et al. (US 6,487,375), Muller et al. (US 6,285,096), and Erichsen (US 3,896,425).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tai T. Nguyen whose telephone number is (571) 272-2961. The examiner can normally be reached on Monday-Friday from 7:30am-5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2632

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Tai T. Nguyen", with a stylized, flowing script.

Tai T. Nguyen
Examiner
Art Unit 2632

February 16, 2005